


Idaho Department of Correction 	Standard Operating Procedure	Title: Marriage: Offender Procedures		Page: 1 of 8
		Control Number: 311.02.01.001	Version: 4.0	Adopted: 04-26-2005

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Open to the public: ☒ Yes ☐ No

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SCOPE

This SOP applies to all offenders housed in Idaho Department of Correction (IDOC) correctional facilities and community reentry centers (CRCs). (Hereinafter correctional facilities and CRCs will be referred to as 'facilities'.)

Revision History
Revision date (02/25/2016) Version 4.0.: Replaced gender-specific terms with the word "spouse", clarify responsibilities for locating a person to conduct the ceremony, administrative corrections throughout. Previous revision date (04/08/2014) Version 3.0.

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BOARD OF CORRECTION IDAPA RULE NUMBER 311

Inmate Marriages

POLICY CONTROL NUMBER 311

Marriages: Offender

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PURPOSE

The purpose of this standard operating procedure (SOP) is to establish principles and practices for processing offender marriage requests.

RESPONSIBILITY

Facility heads (or designees) are responsible for implementing this SOP and ensuring that staff members practice the standards and procedures contained herein.

GENERAL REQUIREMENTS

1. Conditions to Marry

Marriage must conform to the laws of the State of Idaho. The IDOC has the following interests regarding the marriage of an offender while he is in the custody of the IDOC:

- The marriage will not violate any State of Idaho laws.
- The marriage will not be contrary to penological interests, including, but not limited to, the safety or security of the facility, staff, or the general public.

The IDOC does not provide marriage counseling. However, because relationships affect an offender's successful reintegration into the community, case managers should work with offenders (who marry while incarcerated) to add relationship counseling to the offender's release case plan, if appropriate. (Case managers shall see [section 4](#) of this SOP for documentation requirements.)

Offenders are allowed to marry while incarcerated provided that the requirements established in this SOP **and** State of Idaho laws are met. Offenders are not permitted to bypass the requirements established in this SOP and marry over the telephone or by proxy. Normally, if an offender bypasses the requirements established in this SOP, he will not be allowed to visit with his proposed spouse, **and** he may face disciplinary action in accordance with SOP [318.02.01.001](#), *Disciplinary Procedures: Offender*.

When an offender marries while incarcerated, it does not guarantee that the offender will be allowed to visit with his spouse.

An offender will not be allowed to marry a current IDOC employee, contractor, intern, or volunteer. Before such marriage would be allowed, the employee, contractor, intern, or volunteer must terminate his employment **or** relationship with the IDOC.

Marriage applicants will be responsible for:

- Acquiring all documents required to get married; and
- All costs relating to the marriage.

When applicable, an offender and his proposed spouse must provide legal documentation of all divorces or annulments before they will be allowed to marry. Legal documentation must be in the form of a decree, certificate of divorce or annulment, or court order.

Note: Idaho law does not permit family members to marry (e.g., a marriage between a parent and child, ancestor and descendant [of every degree], brother and sister [of the half or of the whole blood], uncle and niece, aunt and nephew, or first cousins).

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2. Marriage Requests

Marriage Application Review Team

The Marriage Application Review Team will consist of the facility head (or designee), the facility marriage coordinator, the offender's case manager, and if needed in accordance with the process steps in this section, the applicable bureau deputy chief, bureau director, or designee.

The facility head (or designee) will appoint a staff member to serve as the facility marriage coordinator.

Note: For the purpose of this SOP only, the facility marriage coordinator will typically be the facility volunteer and religious activity coordinator (VRC). However, if the facility does not have a facility VRC and the facility head appoints a staff member to serve as the facility marriage coordinator, the appointed staff member should receive training from the division VRC. In addition, if the facility head or facility marriage coordinator have any questions regarding the below process steps, they shall contact the division VRC for explanation and/or clarification.

Marriage Application Process Steps: Offenders Housed in IDOC Facilities

Functional Roles and Responsibilities	Step	Tasks
Offender	1	Submit a completed <i>Application for Marriage</i> (appendix A) to the facility marriage coordinator.
Facility Marriage Coordinator	2	Using appendix B, <i>Application for Marriage Log</i> , document receipt of the <i>Application for Marriage</i> . Note: When the log is completely full, see section 4 of this SOP for retention requirements.
Facility Marriage Coordinator	3	<ul style="list-style-type: none"> Schedule an interview appointment with the offender and proposed spouse within 30 days of receiving the <i>Application for Marriage</i>. (Both parties need to attend the interview together.) Prior to the interview: <ul style="list-style-type: none"> Review the offender's file information; Have the offender complete and sign appendix C, <i>Marriage Application Waiver of Confidentiality</i>. <p>Note: Whenever possible, the interview should be in person but can be conducted via telephone. However, in all cases the interview must be in accordance with the custody level of the offender and the security level of the facility.</p> <p>Note: If the offender does not freely and voluntarily complete the <i>Marriage Application Waiver of Confidentiality</i>, end the process here.</p>

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Functional Roles and Responsibilities	Step	Tasks
Facility Marriage Coordinator	4	<ul style="list-style-type: none"> Conduct an interview with the offender and proposed spouse. Ask the proposed spouse about the offender's criminal record; and <ul style="list-style-type: none"> ♦ If the offender disclosed his criminal record to the proposed spouse – skip to step 7. ♦ If the offender did not disclose his criminal record to the proposed spouse, encourage and give the offender the opportunity to disclose it himself first – then proceed to step 5. <p>Note: Do not disclose to the proposed spouse any information from the Pre-sentence Investigation (PSI) Report. The offender cannot authorize the release of PSI Report information but can disclose information about himself.</p>
Facility Marriage Coordinator	5	<ul style="list-style-type: none"> Give the proposed spouse a copy of the offender completed and signed <i>Marriage Application Waiver of Confidentiality</i>; and Refer the proposed spouse to the Idaho State Police (ISP), Bureau of Criminal Identification, to request a criminal records check on the offender.
Facility Marriage Coordinator	6	<ul style="list-style-type: none"> Ask the proposed spouse to schedule a follow-up appointment with you after the criminal record check is complete; Inform the proposed spouse that a copy of the criminal record obtained from ISP must be brought to the follow-up appointment; and Document the interview as described in section 4 of this SOP. <p>Note: The process ends here until the proposed spouse schedules and attends the follow-up appointment. The process then begins again at step 7.</p>
Facility Marriage Coordinator	7	<p>Discuss basic marital issues related to the offender's incarceration such as:</p> <ul style="list-style-type: none"> Visitation; Offender move (to another facility); Offender move (out of state); Rules of parole; Limitations on parole (if the offender is a sex offender); and Release information.

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Functional Roles and Responsibilities	Step	Tasks
Facility Marriage Coordinator	8	<p>If either the offender, proposed spouse, or both were previously married, obtain the divorce or annulment legal document(s) from the applicable party or parties.</p> <p>Note: If the divorce or annulment legal documents have an original signature, seal, or ink stamp (e.g., a certified true copy stamp), make a copy and return the document that has the original signature, seal, or ink stamp to the applicable party.</p>
Facility Marriage Coordinator	9	Explain the facility marriage process and the approval process for the person conducting the marriage ceremony. It is the inmate's responsibility to find a qualified person to conduct the marriage ceremony. Upon request, attempt to identify a volunteer to conduct the ceremony.
Facility Marriage Coordinator	10	Ensure that the offender's case manager is involved with the process so that relationship counseling can be added (if appropriate) to the offender's release case plan.
Facility Marriage Coordinator	11	<ul style="list-style-type: none"> Complete the <i>Application for Marriage</i> within five (5) working days of completing the follow-up interview; Document the interview as described in section 4 of this SOP; and Forward the application and any other documentation to the facility head (or designee).
Facility Head (or Designee)	12	<p>Document on the completed <i>Application for Marriage</i> whether the marriage:</p> <ul style="list-style-type: none"> Violates any State of Idaho laws; Is not in accordance with the provisions of this SOP; or Would be contrary to penological interests, including but not limited to, the safety or security of the facility, staff, or general public.
Facility Head (or Designee)	13	If for any reason you believe the marriage should not be allowed, forward the <i>Application for Marriage</i> and any supporting documentation to the appropriate bureau deputy chief, bureau director, or designee.
Bureau Deputy Chief/Director (or Designee)	14	<ul style="list-style-type: none"> Review the <i>Application for Marriage</i> and supporting documentation and obtain additional information if needed; Approve or deny the request to marry, and notify the facility head (or designee) of the decision; and Sign and return the <i>Application for Marriage</i> and supporting documentation to the facility head (or designee). <p>Note: If denying the request to marry, retain the documentation as described in section 4 of this SOP.</p>

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Functional Roles and Responsibilities	Step	Tasks
Facility Head	15	<ul style="list-style-type: none"> Implement the decision by notifying the facility marriage coordinator; and If returned, forward the completed <i>Application for Marriage</i> and supporting documentation to the facility marriage coordinator.
Facility Marriage Coordinator	16	<ul style="list-style-type: none"> Document the decision as described in section 4 of this SOP; Ensure the record retention requirements describe in section 4 of this SOP are adhered to; Inform the offender of the decision; and If the marriage will not be allowed – the process ends here; or If the marriage will be allowed – proceed to step 17.
Facility Marriage Coordinator	17	Assists the offender with any facility issues related to scheduling the marriage ceremony.
Offender	18	Obtains marriage license and complies with all other legal requirements for the marriage ceremony. The offender is responsible for all costs of the license and ceremony.

Marriage Application Process Steps: Offenders Housed County Jails

Marriage requests for IDOC offenders who are held in county jails will be referred to the deputy warden of Virtual Prisons Program (VPP), or designee. The deputy warden of the VPP (or designee) will:

- Communicate with the county jail **and** request that the jail follow the basic procedures provided herein this SOP; **or**
- Exercise his option to bring the offender back to an IDOC facility to go through the procedures provided herein this SOP.

3. Marriage Ceremony

Conditions of the marriage ceremony are within the discretion of the facility head (or designee).

If the marriage ceremony includes the exchange of wedding rings (plain band) or other ceremonial, religious items, the rings and items must meet the requirements of SOPs [320.02.01.001](#), *Property: State-issued and Offender Personal Property*, **and** [320.02.01.002](#), *Property: Religious*. No food or beverages will be allowed. Dress code will meet the requirements outlined in SOP [604.02.01.001](#), *Visiting*.

The general guidelines for the ceremonial location **and** who may attend (based on security level) are as follows:

- Administrative segregation**
 - ◆ **Location:** Non-contact visiting.
 - ◆ **Attendance:** The offender, approved spouse-to-be, minister, and appropriate staff members (as determined by the facility head).

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- **Close custody**
 - ◆ **Location:** Contact visiting (or other facility head-approved location).
 - ◆ **Attendance:** The offender, approved spouse-to-be, minister, and appropriate staff members (as determined by the facility head).
- **Medium custody**
 - ◆ **Location:** Contact visiting (or other facility head-approved location).
 - ◆ **Attendance:** The offender, approved spouse-to-be, minister, guests, and appropriate staff members (as determined by the facility head). All guests must be approved visitors. The number of guests allowed to attend may be limited based on facility staffing and available space. The immediate family members of the marrying parties should be given priority.
- **Minimum custody**
 - ◆ **Location:** Contact visiting (or other facility head-approved location).
 - ◆ **Attendance:** The offender, approved spouse-to-be, minister, guests, and appropriate staff members (as determined by the facility head). All guests must be approved visitors. The number of guests allowed to attend may be limited based on facility staffing and available space. The immediate family members of the marrying parties should be given priority. The facility head (or designee) may approve for attendance any immediate family members housed at the same facility.

4. Documentation and Record Retention

Documentation Requirements

The facility marriage coordinator will document the marriage request process (to include interviews and decisions made) **in the Corrections Integrated System (CIS) as a C-note entry.**

Case manager will **use the CIS to add relationship counseling to the offender's release case plan.**

Record Retention Requirements

After the last entry has been made on the *Application for Marriage Log* (appendix B), the facility head (or designee) will maintain the log for two (2) years and then destroy it.

Marriage approved – The completed *Application for Marriage*, *Marriage Application Waiver of Confidentiality*, divorce or annulment legal documents, and other documents related to the marriage request process may be destroyed **or** returned to the applicants (as applicable) after the completion of the marriage ceremony.

Marriage denied – The appropriate bureau deputy chief, bureau director, or designee will maintain for two (2) years and then destroy all of the documents submitted as part of the marriage request.

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DEFINITIONS

Immediate Family—Offenders: The immediate family of an offender is (1) the mother or father of the offender, including step parent, (2) the brother or sister of the whole or one half (1/2) blood or by adoption, or the stepbrother or stepsister of the offender, (3) spouse of the offender, as proved by marriage license or other operation of law, (4) the natural child, adopted child, or stepchild of the offender, (5) the grandparents of blood relation to the offender, or (6) the grandchildren of blood relation to the offender.

REFERENCES

Appendix A, *Application for Marriage*

Appendix B, *Application for Marriage Log*

Appendix C, *Marriage Application Waiver of Confidentiality*

Standard Operating Procedure [318.02.01.001](#), *Disciplinary Procedures: Offender*

Standard Operating Procedure [320.02.01.001](#), *Property: State-issued and Offender Personal Property*

Standard Operating Procedure [320.02.01.002](#), *Property: Religious*

Standard Operating Procedure [604.02.01.001](#), *Visiting*

– End of Document –

IDAHO DEPARTMENT OF CORRECTION
Application for Marriage

Offender's Request		
Offender's Name: _____ IDOC #: _____		
Housing Facility: _____		
Date of Birth: _____ Social Security Number: _____		
Do you have any previous marriages? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If you answered 'yes' to the above question, have you submitted with this application, divorce or annulment legal documentation for all previous marriages? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, your application will be denied.)		
Proposed Spouse's Name: _____ Telephone #: _____		
Physical Address: _____		
(city, state, and zip) _____		
Does your proposed spouse have any previous marriages? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If you answered 'yes' to the above question, have you submitted with this application, divorce or annulment legal documentation for all previous marriages? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, your application will be denied.)		
Is your proposed spouse currently on probation or parole? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is your proposed spouse a current IDOC employee, contractor, intern, or volunteer? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If you answered 'yes' to the above question, does your proposed spouse intend to terminate the employment or working relationship maintained with the IDOC employee, contractor, intern, or volunteer? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, your application will be denied.)		
Do you need assistance finding a person to conduct the marriage ceremony? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If you answered 'no' to the above question, what is the name and phone number of the person you wish to perform the marriage ceremony? _____		
Note: The facility head must approve the person performing the marriage ceremony.		
What date would you like the marriage ceremony to take place? _____		
What time would you like the marriage ceremony to take place? _____		
Note: You must allow 30 days from the date you submit this application for the IDOC to complete the processing of this application. Normally, marriage ceremonies will be on visiting day and will begin one half (1/2) hour before regular visiting times.		
_____ Offender's Signature		_____ Date
For Official IDOC Use Only: Part I		
Date this application received: _____		
Date initial interview conducted: _____		Date follow-up interview conducted: _____
The initial interview was conducted: <input type="checkbox"/> Face-to-face <input type="checkbox"/> Via telephone		
The proposed spouse is fully aware of the offender's arrest and criminal history: <input type="checkbox"/> Yes <input type="checkbox"/> No		
The proposed spouse is fully aware of the marital issues related to marrying the offender: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If either party (or both) was/were married previously, I have submitted the divorce or annulment legal documents to the facility head for review along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No		
The case manager has been involved for the purpose of adding relationship counseling to the offender's case plan (if the marriage is approved): <input type="checkbox"/> Yes <input type="checkbox"/> No		
_____ Facility Marriage Coordinator's Name	_____ Signature	_____ Date

Offender's Name: _____

IDOC# _____

For Official IDOC Use Only: Part II

Taking into consideration all of the documentation and information submitted with this application, the offender's request to marry is: ☐ Approved ☐ Denied

The offender's choice of person to perform the marriage ceremony is: ☐ Approved ☐ Denied

If approved, the date and time of the marriage ceremony shall be: _____

If either of the above are denied, the reason(s) or new instruction is/are: _____

If denied, date forwarded to deputy chief/director for review: _____

Facility Head's Name

Signature

Date

**For Official IDOC Use Only: Part III
(Only required when facility head denies the marriage)**

Taking into consideration all of the documentation and information submitted with this application, I hereby:

☐ Concur with the facility head's decision ☐ Do not concur with the facility head's decision.

If I do not concur with the facility head's decision, I do so for the following reason(s): _____

Date facility head notified of my decision: _____

Bureau Deputy Chief/Director's Name

Signature

Date

IDAHO DEPARTMENT OF CORRECTION
Application for Marriage Log

[illegible]

* = only required when the facility head denies the marriage.

Appendix B

311.02.01.001

(Appendix last updated 9/6/11)

IDAHO DEPARTMENT OF CORRECTION
Marriage Application Waiver of Confidentiality

Please read carefully, and initial all of the numbered statements to indicate acceptance of the terms of this waiver.

I, _____, date of birth _____, social security # _____
am incarcerated/housed in an Idaho Department of Correction correctional facility or community reentry center (CRC), and I hereby announce, express, agree to, authorize, acknowledge, and execute (as applicable) the following statements:

1. ___ I am in the application process to marry _____, and the Idaho Department of Correction requires that my proposed spouse be informed of my arrest and criminal history before I may be allowed to marry.
2. ___ I give the Idaho Department of Correction my expressed written permission and authority to discuss my situation and case file with my proposed spouse as named in statement #1.
3. ___ I agree to waive my right to confidentiality regarding medical, programming, substance abuse, administrative and disciplinary information, and hereby agree to indemnify and hold harmless those parties who disclose such information about me pursuant to this waiver.
4. ___ I authorize the Idaho State Police, Bureau of Criminal Identification, to release my arrest and criminal history to my proposed spouse (as named in statement #1) and Idaho Department of Correction.
5. ___ I acknowledge that a photocopied, faxed, scanned, or e-mailed copy of this waiver carries the full force and authority of the original.
6. ___ I acknowledge and understand that **this waiver will expire 90 days from the date I affix my signature to it.**

I acknowledge that I personally initialed all of the numbered statements above, I fully agree to all of the statements above (both unnumbered and numbered), and I enter into this waiver freely and voluntarily.

DATED this _____ day of _____, _____.

Offender's Printed Name

Witness's Printed Name

Offender's Signature

Witness's Signature